



Risky News

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EDITOR: TOM BELL

WINTER 2002



STATE RISK MANAGEMENT CONFERENCE AWARDS

The State Risk Management Conference on October 26, 2000 included an awards ceremony for state agencies and employees who contributed to reducing losses to state employees and property. Here are this year's winners:

Risk Management Innovation Award:

Linda Elliott-Traylor, Department of Revenue – Trauma Release Technique (TRT) Pilot Study as an alternative treatment for repetitive motion injuries

Risk Management Spotlight Award:

Sgt. Wesley Walter, Police Officer III – Pikes Peak Community College, Laboratory Inspection and Hazardous Material Removal Project

Risk Management Achievement Award:

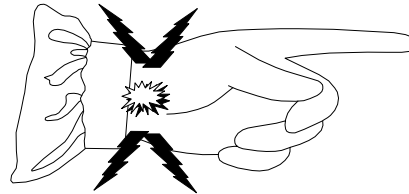
Department of Corrections – Workers' Compensation Continuous Quality Improvement Program

Risk Management LifeSaver Award:

Brad Membel and Rod Sessum, Dept. of Human Services Facilities Management – Immediate Response to Developmentally Disabled Group Home house fire

A big Thank You to all participants at this year's conference. You helped make it a success!

Photos of the Annual State Risk Management Conference are on pages 6 and 7.



Ergonomics 2002

by
Brenda Hardwick

Last year State Risk Management (SRM) began offering a course to "Train-the-Evaluator" in ergonomic evaluations. We held three sessions with an average attendance of 20 employees at each location, and according to feedback, the course was well received and very useful.

This winter and spring SRM is planning to offer several more sessions of the "Train-the-Evaluator" course. One department has taken it upon themselves to present a session for their employees this month in Grand Junction, and there are at least two state colleges interested in hosting the training. Tentatively, the schedule is:

February 2002 - Metropolitan State College

March 2002 - Pikes Peak Community College

April 2002 – location undetermined...

May 2002 – location undetermined...

Interested? Call Brenda Hardwick at 303-866-4292

The training session takes approximately 3½ hours and requires that attendees complete both the classroom portion and the hand-on portion to receive a certificate of completion. If your agency has an interest in either hosting an open session, or if you have enough employees that you want to have trained (class size is limited to 30 people), please contact your loss control specialist and/or Brenda Hardwick at SRM to schedule.



SECURITY UPDATE

New High Tech Devices

New high-tech security devices may soon be in the workplace and other public places to thwart terrorism and other crimes.

BioPay is a new company that has developed fingerprint hardware and software for computers, particularly for retail business check-cashing.

BioPay also has compiled the nation's largest commercial electronic fingerprint database. No other company has such a resource, according to their website.

Their check-cashing software can stop a bad check before the transaction is completed, making it possible for the check to be denied immediately.

The fingerprinting device doesn't use messy inks, the customer's two index fingers are scanned and a photo is taken. The process takes two minutes initially and repeat customers only have to put their fingers on the scanner.

Although the technology is currently being used to stop bad checks, its use in security is limited only by the imagination (and applicable laws).

BioPay uses the latest biometrics technology for their scanning software. Biometrics are unique physical or behavioral characteristics of an individual which can be measured and thus compared. Various types of biometrics include fingerprints, iris recognition, voiceprints (speaker verification), facial recognition, and hand geometry.

Because biometrics are bound to an individual, they can't be shared, lost, stolen or forgotten, meaning they give the highest level of security available and can be used in place of sharing personal data such as checking or credit card account numbers.

From the BioPay website <http://www.biopay.com>

Another promising new technology is Computerized Knowledge Assessment (CKA) also known as "brain fingerprinting". This new lie-detecting technology

has even been ruled admissible in court.

"Brain fingerprinting" is based on the principle that the brain is central to all human acts. In a criminal act, there may or may not be many kinds of peripheral evidence, but the brain is always there, planning, executing, and recording the crime. The fundamental difference between a perpetrator and a falsely accused, innocent person is that the perpetrator, having committed the crime, has the details of the crime stored in his brain, and the innocent suspect does not.

Words or pictures relevant to a crime are flashed on a computer screen, along with other, irrelevant words or pictures. Electrical brain responses are measured non-invasively through a patented headband equipped with sensors. When details of the crime that only the perpetrator would know are presented, a response is emitted by the brain of a perpetrator, but not by the brain of an innocent suspect.

The company using this technology, Human Brain Research Laboratory, Inc., claims the technology is 100% accurate in their testing. They believe it could be used for screening airline passengers.

From the www.brainwavescience.com website.

Another new technology can detect narcotics, explosives, biological or chemical weapons, and radioactive substances by sniffing the air directly over your head.

The device samples the "human thermal plume," a layer of warm air that surrounds and ascends from a person's entire body. The air in the plume, heated by the skin, rises naturally from the ankles, legs and torso, creating a boundary layer that moves constantly upward and flows off the top of the head and shoulders. The plume carries in it microscopic flakes of a person's skin, and other particles, bearing trace amounts of the materials with which the person has been in contact. The thermal plume moves constantly upward and every surface of the body contributes to it. So, no matter where a person tried to conceal explosives or other contraband, traces would appear in the buoyant airstream that eventually rises above the body in the thermal plume. Normal clothing does not significantly interfere with the process.

A prototype of the device can perform an analysis within 10 seconds. The device looks similar to an x-ray portal used at airports and other secure locations.

When a person steps into the portal, a blower at the top pulls the thermal plume into a funnel where it contacts a special trap that collects the particles in it. Any vapors from the plume also condense there. The trapped material is then analyzed by a patented ion trap mobility spectrometer (ITMS) made by Ion Track Instruments. The technology has been approved by the FAA and has been tested at the airport in Knoxville, TN. A portable version of the device is also in use, and has been used for detecting drugs at nightclubs and at Pennsylvania state prisons.

From the <http://www.iontrack.com/> website.

Another high-tech invention with many security uses is eye scanning. The iris of the human eye (the colored part) is even more distinctive than fingerprints...even identical twins have different irises. New hardware and software can quickly identify people by their eyes.

The leader in eye scanning is Iridian Technology, which has most of the patents on eye scanning. They say that eye scanning is the most accurate form of biometric identification.

Iridian Technology and Joh. Enschedé Security Solutions are installing an automated border control system for Amsterdam's Schipol Airport. In addition to border control, Schipol will use the system to control access to restricted areas.

Users get a secure smart card ID with their iris pattern coded in, so ID cards can be verified quickly with an iris scan.

The EyeTicket Corporation is also installing eye scan equipment at Frankfurt airport. The EyePass system is used for employee identification at restricted access locations. EyeTicket has also installed their eye scanning equipment at the Charlotte, North Carolina airport. EyeTicket licenses iris recognition technology from Iridian Technology.

From the <http://www.iridiantech.com/> and <http://www.eyeticket.com/> websites.



LEGAL UPDATE

SUPREME COURT RULES ON A.D.A. CASE

The U.S. Supreme Court has ruled that permanent partial disability from a workers' compensation injury does not automatically constitute disability for the purposes of the Americans with Disabilities Act (ADA). The case is *Toyota v. Williams*.

Toyota had originally won the case in federal district court. That court ruled that her impairment did not qualify as a disability under ADA because it did not substantially limit any major life activity. A federal appeals court overturned the district court, ruling that performing manual tasks was a major life activity and Williams was covered by the ADA.

The Supreme Court overturned the appeals court decision because it "did not apply the proper standard in determining that (Williams) was disabled under the ADA because it analyzed only a limited class of manual tasks and failed to ask whether a respondent's impairments prevented or restricted her from performing tasks that are of central importance to most people's daily lives."

The Supreme Court ruled that "It is insufficient for individuals attempting to prove disability status under this test to merely submit evidence of a medical diagnosis of an impairment." The court ruled that assessment of disability under ADA must be made on a case-by-case basis, which is "particularly necessary when the impairment is one such as carpal tunnel syndrome, in which symptoms vary widely from person to person."

The U.S. Supreme Court has agreed to hear a case on whether city governments can be hit with punitive damages in ADA cases, *Barnes v. Gorman*. The court ruled last year that state governments cannot be assessed with monetary damages for discrimination against state workers with disabilities.

From the Supreme Court website.



EPA UPDATE

COLORADO COMPANY OWNER SENTENCED FOR WASTE VIOLATION

Bruce Spence, currently of Las Vegas, Nev., owner and operator of Cooling Systems International (CSI), a defunct radiator repair company located in Mesa County, Colo., was sentenced on Nov. 16 to spend 60 days in jail, pay a \$100,000 fine and pay \$125,000 in restitution for violating the Colorado Hazardous Waste Act. Spence was also placed on 10 years probation and barred from working in any business involving hazardous waste. Spence was convicted of illegally disposing of toxic hot tank sludge and lead-containing toxins by spreading them on the grounds of the CSI site. The case was investigated by EPA's Criminal Investigation Division, the Colorado Attorney General's Office and the Grand Junction Fire Department's Arson Investigators with the assistance of EPA's National Enforcement Investigations Center. It was prosecuted by the Colorado Attorney General's Office in Denver.

An investigation by a federal/state task force led to a guilty plea without sentencing considerations for unlawful hazardous waste disposal by Bruce Spence, owner of Cooling Systems International, Inc. Spence pleaded guilty on July 13 to unlawfully disposing of hazardous waste. He faces up to four years in prison and \$50,000 per day of violation fine. Spence ran a mining equipment radiator repair business in Fuita, Colorado at which toxic lead waste was released. This and other hazardous waste sludge was also poured into prairie dog holes rather than paying for its lawful disposal.

Spence had committed similar violations in New Mexico prior to coming to Colorado. The Task Force included EPA's Criminal Investigation Division, EPA's National Enforcement Investigations Center, the Colorado Department of Public Health and the Environment, and the Colorado Attorney General's Office.

EPA POLLUTION PREVENTION POCKETBOOK ANSWERS: "WHY SHOULD YOU CARE ABOUT PREVENTING WASTE?"

Small businesses and other interested parties are encouraged to obtain an easy-to-use reference guide on pollution prevention called "Why should you care about preventing waste? -- The Pollution Prevention Pocketbook.

This resource was recently developed by EPA in collaboration with the Pollution Prevention Resource Exchange. The guide highlights exceptional national and regional pollution prevention resources and provides steps to identifying opportunities, implementing change and measuring waste reduction successes. The goal is to conserve resources and to promote more efficient, and profitable, business practices.

Copies of the Pollution Prevention Pocketbook are available by calling EPA's Pollution Prevention Information Clearinghouse at 202-260-1023, or via email at ppic@epa.gov.

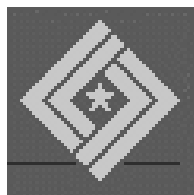
More information on EPA's pollution prevention program is available at: <http://www.epa.gov/p2>

Articles from the EPA website



NATIONAL CENSUS OF FATAL OCCUPATIONAL INJURIES IN 2000

A total of 5,915 fatal work injuries were recorded in 2000, a decline of about 2 percent from 1999, according to the Census of Fatal Occupational Injuries, conducted by the Bureau of Labor Statistics, U.S. Department of Labor. Further information is at: <http://www.bls.gov/iif/oshcfoi1.htm> - 2000 and <http://ftp.bls.gov/pub/news.release/History/cfoi.08172001.news>



OSHA UPDATE

The Occupational Safety and Health Administration (OSHA) has issued new guidelines for employers to assess their anthrax risk.

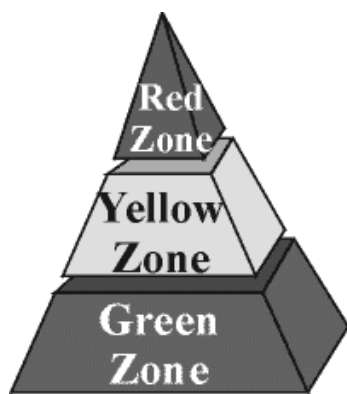
To help employers determine appropriate work practices and precautions, OSHA has divided workplaces and work operations into three risk zones, according to the likelihood of contamination with anthrax spores and employee exposure to them. These zones are called the green zone, the yellow zone, and the red zone.

Green Zone: workplaces where contamination with anthrax spores is unlikely.

Yellow Zone: workplaces where contamination with anthrax spores is possible.

Red Zone: workplaces where public health or law enforcement authorities have stated that contamination with anthrax spores has been confirmed or is strongly suspected.

OSHA shows these zones within the shape of a pyramid to represent how the risk appears to be distributed. Based on information currently available, contamination with anthrax spores and exposure to the bacterium are unlikely in the vast majority of American workplaces, represented by the green zone.



Here is the OSHA anthrax exposure pyramid. For further information, go to <http://www.osha.gov/bi-oterrorism/anthrax/matrix/pyramid.html>

OSHA ENCOURAGES DEFIBRILLATOR USE TO REVIVE WORKERS WITH CARDIAC ARREST

Because the use of Automated External Defibrillators (AEDs) can save the lives of workers who experience cardiac arrest while on the job, OSHA today encouraged employers to consider making this equipment available in their workplaces.

"AEDs are easy to use and can make the critical difference in reviving individuals who suffer a cardiac crisis," said OSHA Administrator John L. Henshaw. "Administered within three minutes, the electric shock (defibrillation) restores the normal rhythm to the victim's heart and can increase survival rates from less than 5 percent to nearly 75 percent. Immediate defibrillation can revive more than 90 percent of victims."

Each AED costs approximately \$6000.

Each year 300,000 to 400,000 individuals die from cardiac arrest. Most of these deaths occur outside hospitals. Cardiac arrest is often due to chaotic beating of the heart, which can be restored to normal rhythm if treated promptly with defibrillation. With each minute of delay in defibrillation, 10 percent fewer victims survive.

Placing AEDs in workplaces could significantly increase survival rates. In 1999 and 2000, 815 of 6,339 workplace fatalities reported to OSHA resulted from cardiac arrest. The agency estimates if AEDs helped restore 40 percent of those who suffer a cardiac crisis, as many as 120 lives would be saved each year. Workers involved in shift work, holding high stress jobs, or exposed to certain chemicals or electrical hazards face a higher risk of heart disease and cardiac arrest.

The new OSHA fact card and technical information bulletin on AED's are available on OSHA's website at www.osha-slc.gov/OshDoc/Additional.html#AED & www.osha-slc.gov/dts/tib/tib_data/tib20011217.pdf, and through the agency's publications office at 1-800-321-OSHA.







HOW TO BETTER PREPARE YOUR BUSINESS FOR ANY EMERGENCY

Preparing for a disaster or emergency has not always been at the top of the list for businesses; however, in light of recent events, it should be an essential step for any business. KMC Telecom (KMC), a nationwide provider of fiber-based integrated communications, offers ten important steps companies can follow to better prepare and manage their business in the face of a crisis within the company or the world at large.

Frank G. Boscarillo, Senior Vice President Network Operations for KMC, serves as KMC's Designated Disaster Recovery Manager and trains both KMC and its customers for the possibility of catastrophe. He advises that since no two disasters are alike, the key objective is to imagine the worst-case scenario and plan for it. The following tips can help ensure: the safety of your employees, communication of important information, security of critical documents, and that your operations keep running.

1. Be Prepared – Take time now to sit down and consider the possibilities of what could happen, envision the worst-case scenario and plan accordingly. “By designing a plan that is meant to react to the worst-case scenario,” Boscarillo advises, “you will ensure that measures are incorporated which can be applied to lesser emergencies.”

2. Document Your Plan – Put your plan down on paper and share it with all employees. “Your employees must know the procedures in place to carry out the plan,” counsels Boscarillo. “Documentation and education are critical to ensuring that people are ready to act when the unthinkable happens.”

3. Designate and Define Roles and Responsibilities – Designate emergency managers within your company to handle procedures in case of a disaster. Define their roles and make sure everyone knows their responsibilities in case of an emergency. “It is management's responsibility to prepare employees to react calmly in the face of crisis, says Boscarillo.

“When people know what's expected of them during an emergency, they are more likely to carry out their duties in an orderly fashion.” During WWII, Prime Minister Winston Churchill set expectations and led by example, while Mayor Rudy Giuliani is doing the same for New York City.

4. People Come First – In the event of a disaster, plan for the safety and well-being of your employees and customers first. In some cases, this may mean calling security, or reaching out to get food, water and medical help. Set up a toll-free number and e-mail that employees can call in to and e-mail to get information on the company and the safety of their coworkers.

5. Back Up Your Data – Part of the day-to-day activity at your company or at least on a weekly basis, should be to back up data and documents. Boscarillo recommends keeping one copy of back-ups in a fireproof box on-site, and keeping another copy in a fireproof box off-site. “Constantly rotate these back-ups so that at any given moment they're only three weeks old at the most,” says Boscarillo.

6. Select Alternate Disaster Locations – Identify in advance where your company could headquarter in the event of a disaster. Select primary, secondary and third-choice options, which could mean moving to a different building, another city or state where your company has existing offices, or even someone's home.

7. Establish Communications Plan – How would you do business if you lost all of your phone lines? Be sure to select a communications provider that is capable of aiding your company in a crisis. “For example, KMC recently helped a company that lost their lines by giving them temporary cell phones and forwarding their calls to the mobile phones until their land lines could be re-established,” states Boscarillo. Make sure that your provider can help keep your communications flowing.

8. Document a Restoration Plan – List all critical names and contact information including phone and cell numbers, pagers and e-mail for:

- Company Emergency Team
- Critical Personnel

- Service and Emergency Management Contacts: Police, Fire, Security, FEMA, Telecommunications Provider, Natural Gas
- Local Contractors: Electricity, Heating & Cooling, Gas
- Critical Customers -those that you would need to call immediately after your company has experienced an emergency

Employees need to make sure that these numbers are current. Boscarillo advises against just pulling them from the phone book; instead, test the numbers, and make the contractors and utility companies aware that their numbers will be posted in your company's emergency plan.

9. Educate Your Employees – Be sure that everyone in your company knows where the emergency exits are, where to find the fire alarm and fire extinguisher, critical keys, etc. "This information may seem like it should be common knowledge within your company, but you'll be surprised at the number of employees who don't know where the stairs are because they've never had to use them before," cautions Boscarillo.

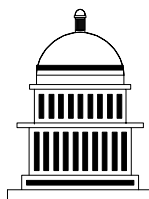
10. Review – Review your disaster recovery plan once every quarter and update all names and numbers. "This is an important step to ensure your readiness to act in the face of disaster," Boscarillo stresses. Preparing for disaster does not have to be a lengthy process, but it is an important step to preparing for a physical crisis. "Make sure that all of your employees know and understand their roles and responsibilities, and that everyone has a copy of the emergency disaster plan," says Boscarillo.

From the KMC Telecom website
<http://www.kmctelecom.com/>

STATE EMPLOYEE FLU SHOT PROGRAM

A total of 1286 state employees were inoculated during the state's flu shot program. Thanks to Concentra for providing the vaccinations.

The highest number of shots were given at 1575 Sherman Street, followed by 1313 Sherman Street. Shots were given throughout the Denver area.



LEGISLATIVE UPDATE

New Risk Management Bills 2002

The Colorado General Assembly has filed the following bills related to risk management:

SB-02: Provides that, under the "Workers' Compensation Act of Colorado", if a baseline test of certain public safety workers shows an individual was free of hepatitis C, and the public safety worker can subsequently show an on-the-job exposure to hepatitis C, the exposure or contraction of hepatitis C shall be deemed to have occurred within the course and scope of employment, unless overcome by clear and convincing evidence

SB-43: Would require temporary agencies to provide two hours of safety training to temporary construction workers.

SB-55: Would set a single limit of \$150,000, adjusted for inflation, on combined workers compensation temporary disability and permanent partial disability.

HB-1124: Would allow a physician to file a Workers' Compensation first report of injury

HB-1135: Would legally change the name of Colorado Compensation Insurance Authority to Pinnacol Assurance.



OOPS!! WE GOOFED!!

Wrong date on last issue

The last issue of *Risky News* was erroneously labeled Volume 11, Number 2 and dated October 2000. It should have been Volume 12, Number 2 and dated October 2001. Sorry for the error.



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State Risk Management
1313 Sherman St. #114
Denver, CO 80203

